

### **REMARKS**

The Office Action dated September 13, 2005, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-5 are presently pending, of which claim 1 is an independent claim. Claim 1 has been amended to correct a typographical error introduced in a previous amendment. Accordingly, claim 1 has been labeled "twice amended." The change was to the word "started" which was inadvertently typed "stated" in the prior amendment. The word "started" is, however, in the patent as issued. Accordingly, pursuant to 37 C.F.R. 1.173(c), no changes are shown to that word. Claims 1-5 are respectfully submitted for consideration.

The Office Action asserts that the reissue oath/declaration filed was defective, and therefore claims 1-5 were rejected. A supplemental reissue oath/declaration has been included. Accordingly, it is respectfully submitted that this ground of rejection is moot. Accordingly, Applicants request that this rejection be withdrawn.

The Office Action asserts that the preliminary amendment filed 28 January 2004 was in an improper format. The Office Action, however, does not state whether the amendments have been entered. Accordingly, Applicants have included amendments that comply with 37 CFR 1.173(b)(2), in order to ensure that the amendments filed January 28, 2004, are considered.

The Office Action notes that Applicants have not submitted the original patent or included a statement that the original patent was lost or misplaced. The Office Action does not draw any conclusion from this observation. It is believed that this observation is based on an old version of the regulations that required the applicant to surrender the original patent upon applying for a reissue application. The current regulations, as found at 37 C.F.R. 1.178(a), no longer require the surrender of the physical patent document, and the application for a reissue is construed as an offer to surrender the original patent. See below (as amended subsequent to revision 8 of the MPEP):

**§ 1.178 Original patent; continuing duty of applicant.**

(a) The application for reissue of a patent shall constitute an offer to surrender that patent, and the surrender shall take effect upon reissue of the patent. Until a reissue application is granted, the original patent shall remain in effect.

Accordingly, in view of the current regulations, it is respectfully requested that the application for reissue be deemed an offer to surrender the patent.

It is respectfully submitted that claim 1-5 recite subject matter that is neither disclosed nor suggested in the prior art. Accordingly, it is respectfully requested that claims 1-5 be allowed, and that this application be passed to issue.

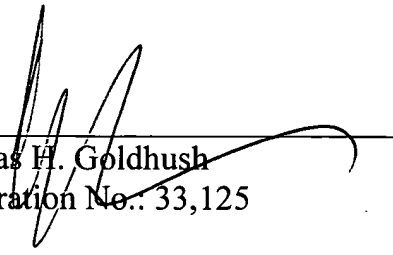
The Office Action requests a form PTO-1449 listing all references cited in the original patent. Said form PTO-1449 listing all references cited in the original patent is enclosed herewith. "Ishizuka et al." was cited in an office action mailed September 27,

2000. The body of the Office Action did not specify the patent number cited, and the notice of cited references is not presently in Applicants' possession. Accordingly, Applicants have submitted their best guess as to which patent was intended by the Office Action, namely U.S. Patent No. 5,805,666.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



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Enclosures: Form PTO-1449

Supplemental Declaration for Reissue Application

Marked-Up Copy Showing Claim Changes from Previous Version



Marked-Up Copy of the Claims Showing Changes from the Previous Version Thereof

for Application Serial No. 10/645,345

1. (Twice Amended) A method for ensuring the operation of signaling channels in a V5 interface between a local exchange and an access node, the interface comprising:

reconfiguring V5 interface data in an interface composition having at least two signaling channels; and

ensuring active operation of protected signaling channels when starting a V5 interface, wherein the protected signaling channels are [stated] started on at least one of signaling channels defined in a new interface composition, and on signaling channels to which the protected signaling channels were transferred in a protection switch-over.



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reissue application of:

SUUTARI et al

Serial No. 10/645,345

Filed: August 21, 2003

Attorney Docket No. 60279.00063

For: PROCEDURE FOR ENSURING THE OPERATION OF SIGNALLING  
CHANNELS IN A VS INTERFACE

### SUPPLEMENTAL DECLARATION FOR REISSUE APPLICATION UNDER 37 C.F.R. 1.175(b)(1)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Jyrki SUUTARI, citizen of Finland and having a post office address of *Martinsuontie 1A1, 90450 Kempele*  
~~Laurinkuja 2-B 10, 90420 Oulu, Finland~~; Toivo LALLUKKA, citizen of Finland, and *Läylytie 17*  
having a post office address of ~~Ketarakuja 3-D 24, 90650 Oulu, Finland~~; and Arto *Meijä*  
RUKAJÄRVI, a citizen of Finland, and having a post office address of Pikku-Öörnintie  
8, 90460 Oulunsalo, Finland; and Olli LIINAMAA, citizen of Finland, and having a post  
office address of *Naavakuusentie 4A2, 90240 Oulu*  
~~Kannuskaja 2-B 1, 90540 Oulu, Finland~~, do hereby state and declare *Olli*  
that: *Stina*

1. We are all citizens of Finland, residing at the above-identified addresses, and are the original first and joint inventors of the invention described in U.S. Patent No. 6,278,688 B1, issued on August 21, 2001, and as described and claimed in reissue patent application Serial Number 10/645,345, filed on August 21, 2003, which claims the

priority of U.S. Patent Application No. 09/336,862 (which was issued as U.S. Patent 6,278,688) filed June 21, 1999, its parent application, international application PCT/FI98/00198 filed 03/05/1998, and Finnish application FINLAND 971142 filed 03/18/1997.

2. We have reviewed and understand the contents of the above identified reissue application for a reissue patent, including the claims.

3. We acknowledge the duty to disclose information which is material to the examination of this application, in accordance with Title 37, Code of Federal Regulations, Section 1.56.

4. United States Patent Number 6,278,688 B1 is wholly or partly in operative or invalid by reason of the patentees claiming more or less than the patentee had the right to claim in the patent by reason of errors in the claims.

5. The error in the claims is that the claims do not completely cover the scope of the invention as described in the specification, and as contemplated by the inventors. In particular, claim 1 as issued recited a step of ensuring active operation of protected signalling channels when starting a V5 interface, wherein the protected signalling channels are started on signalling channels defined in a new interface composition and on signalling channels to which the protected signalling channels were transferred in a protection switch-over. The claims, therefore, do not literally cover a step of ensuring active operation of protected signalling channels wherein the protected signalling channels are started on at least one of signalling channels defined in a new interface

composition and on signalling channels to which the protected signalling channels were transferred in a protection switch-over.

6. The error of improperly limiting to claim 1 to signalling channels defined in a new interface composition and signalling channels to which the protected signalling channels were transferred in a protection switch-over occurred during patent prosecution, when applicants' previous counsel cancelled original claims 1-5, and substituted new claims 6-10 therefore, in order to overcome formal objections under 35 USC § 112. The issue being corrected in this reissue application was not raised as an issue during the prosecution of the original application. This error arose without any deceptive intent.

7. The above deficiencies in claim 1 are corrected by the Preliminary Amendment to claim 1 which was filed with the reissue application.

8. Upon review of the Preliminary Amendment as filed with the application, a minor typographical error was noted regarding the spelling of the word "started." This typographical error is corrected in a Supplemental Preliminary Amendment.

9. Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the applicant.

10. We hereby appoint the following attorneys in full power of substitution and revocation to prosecute this application and to transact all business in the United States Patent and Trademark Office in connection therewith:

Douglas H. Goldhush, Reg. No. 33,125; Kevin F. Turner, Reg. No. 43,437; Arlene P. Neal, Reg. No. 43,828; Majid AlBassam, Reg. No.

54,749; David E. Brown, Reg. No. 51,091; Alicia M. Choi, Reg. No. 46,621.

11. All correspondences to be directed to:

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The undersigned declares further that all statements made herein are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

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